



CONSTITUENT ASSEMBLY OF PAKISTAN DEBATES

Friday, the 13th April, 1951

OFFICIAL REPORT

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CONSTITUENT ASSEMBLY OF PAKISTAN

Friday, the 13th April, 1951

The Constituent Assembly of Pakistan met in the Assembly Chamber, Karachi, at Four of the Clock, in the Afternoon, Mr. President (The Honourable Mr. Tamizuddin Khan) in the Chair.

THE RAWALPINDI CONSPIRACY (SPECIAL TRIBUNAL) *BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Sind : Muslim) : Sir, I beg to introduce the Bill to provide for the setting up of the Special Tribunal to try the Rawalpindi Conspiracy case.

Shri Dharendra Nath Dutta (East Bengal : General) : On a point of Order, Sir.

Mr. President : There cannot be any point of order now ; the Bill has been introduced already.

Shri Dharendra Nath Dutta : But I submit, Sir, that the Bill should be introduced not in the Constituent Assembly. It should have been introduced in the Legislative Assembly because this Bill relates with matters with regard to legislative work. We have power to make laws, to amend the criminal procedure code and this has nothing to do with constitution-making.

Mr. President : Do you mean to oppose the introduction of the Bill.

Shri Dharendra Nath Dutta : I do not at all oppose it but I want to bring it to the notice of the House that it should be introduced in the Legislature.

Mr. President : If you do not oppose the introduction of the Bill I do not think that this is the stage where you can raise a point of order. The point of order should be raised when some motion is to be carried by the House. It is not an occasion like that. I think the proper time for you to raise that objection will be when the next motion with regard to the Bill is made.

Shri Dharendra Nath Dutta : Very well, Sir.

THE GOVERNMENT OF INDIA (SECOND AMENDMENT) BILL

The Honourable Pirzada Abdus Sattar Abdur Rahman (Sind : Muslim) : †If my friend wanted to raise a point of order he could do so afterwards but now that you have given a ruling I will proceed with the next motion. I beg to move :

"That the Bill further to amend the Government of India Act (Amendment of Section 299) be taken into consideration."

Sir, this Bill has been brought in in order to remove certain ambiguities that exist with regard to the legislation that has already received the assent of the Governor-General within three years of the coming into existence of the Federation or those bills that have been reserved within that period and passed by the Provincial Legislatures but reserved for assent of the Governor-General, they are covered by it. As you would see section 299 of the Government of India Act mentions of compensation

* The Bill was published in the *Gazette of Pakistan, Extraordinary*, dated the 12th April, 1951, under Rule 43 of the Constituent Assembly Rules.—*Ed. of Debs.*

† Speech not corrected by the Honourable Member.—*Ed. of Debs.*

[The Honourable Pirzada Abdus Sattar Abdur Rahman.]

being paid for any property or concern acquired by the Government, and it also says, for public purposes. In that light the Provincial Legislature may enact any legislation but in that law there should be provision for the mode of payment of compensation. Unless that is done the Provincial Legislature has not got the power to pass such a law. Recently some doubts have arisen as to the interpretation of the word 'compensation'. It is not the intention by moving this to do away with the provisions of compensation altogether. The intention is to remove the doubts with regard to that interpretation. Some courts of law having interpreted that the word compensation implies adequate compensation and some courts of law on the other hand have said that if there is compensation provided then the question of adequacy does not arise and the law is valid. But, Sir, you would agree that the measure that has been passed during that period is of such a far-reaching importance that it will not be fit to leave this to the interpretations that might be put in courts of law and leave it open that the important reforms that are being brought into being might be left to any chance or risk of being declared *ultra vires* or invalid. Therefore, this section is being amended in that respect that it shall not be declared *ultra vires* on the point that it contravenes provisions of section 299 or that on the ground of compensation. You are aware, Sir, that some legislation has been passed in India also in several provinces and recently it has been the subject matter of the decisions of courts of law. So far as I know the intention of the Indian Government is also to amend that part of the constitution so that the laws will be valid. I do not know of any circumstances similar to those being created and stop the good effects of the legislation that East Bengal have brought in. I might, Sir, mention for the benefit of the Honourable Members that the East Bengal Estate Acquisition Act or as it is commonly known the Zamindari Abolition Act of East Bengal provides for compensation. It is not that it does not provide for compensation and which according to me is adequate and it also provides for the mode of payment of compensation as is required by section 299 but if the court of law decides that compensation means adequate compensation then it will be very difficult to weigh in the balance the question of adequacy. Some people might say ten times the income will be adequate; some might say 20 times; some might say 5 times; some might say 2 times. It all depends on the individual opinion and to risk the enforcement of reforms like this on the individual whim of anybody will not be proper. Therefore I want to make it clear that in the East Bengal Act there is provision for compensation and also, according to me, adequate compensation, but I do not want to take any risk in any way. Therefore, this legislation has been brought in to protect and guard against such emergencies that might occur. Another amendment that I have brought in is with regard to the word payment and 'giving of compensation'. Now giving of compensation although clear may be in another way objected to under section 299. I have made it clear and wide enough so that the Provincial Government who will acquire the property will have discretion to give compensation in any manner feasible and just.

The third provision in the Act is with regard to evacuee property which is also very necessary because refugees have been settled and it would be proper to upset no legislation on this ground. As I have said it is only to protect and to make it clear that I have brought in this legislation. These three are the important points that underlie the bringing in of this Bill and I therefore commend this motion for the consideration of the House.

Mr. President : Motion moved :

"That the Bill further to amend the Government of India Act (Amendment of Section 299) be taken into consideration."

Shri Dharendra Nath Dutta (East Bengal : General) : *Mr. President, Sir, I stand here to welcome this measure. The amendment of the Government of India Act, 1935 (Section 299) is deemed necessary, especially because we are anxiously awaiting the assent of the Governor-General to the State Acquisition Bill which has been passed by the East Bengal Legislative Assembly. It has not yet received the assent of the Governor-General and we are anxious that it receives his assent as early as possible. We were told that there were some difficulties with regard to the interpretation of Section 299 of the Government of India Act and those difficulties are sought to be removed by this legislation. Therefore, it is a welcome legislation. You are aware, Sir, that this measure for the abolition of Zamindari in the province of East Bengal has got a chequered career for a large number of years, and before we got independence, in pre-partition days a similar legislation was introduced in the Bengal Legislative Assembly. We were all anxious to see that the Zamindari in East Bengal was abolished. You know, Sir, that the Zamindars in East Bengal are not the same zamindars as in this part of Pakistan, because there they have the cultivating rights and the occupancy rights were given to them in the year 1859. The cultivating tenants of East Bengal have occupancy rights. In the year 1885 in the Bengal Legislative Assembly legislation was passed for giving rights to the cultivating tenants and then subsequently in 1920 and 1938 when full right was given to the cultivating tenants, they got those rights which the Zamindars had got in the year 1938. We had all along been anxious to see that Zamindari was abolished altogether. But in this part of Pakistan we find that tenants have got no rights. They have got no occupancy. Their position is like that of a *nambardar* in East Bengal. So I welcome this legislation. The position of the zamindars in East Bengal is that they can be called now as the rent collectors. Even then, we are anxious to see the Zamindari abolished and we are proud that of all the provinces of Pakistan, we were the first to abolish Zamindari and the State Acquisition Bill was passed and it is now awaiting the assent of the Governor-General. We all questioned as to why the assent of the Governor-General had not yet been given and we were told that there was some difficulty with respect to Section 299 of the Government of India Act, and that difficulty is sought to be removed by this amendment.

Mr. President, Sir, the Honourable Minister while introducing this Bill referred to the abolition of Zamindari in India and the difficulties that had been created by High Courts and the Supreme Court with regard to the interpretation of Section 299 of the Government of India Act, 1935. It is with the object of removing those difficulties that this amendment has been moved. But, Sir, there is one thing which is still disputed and that is whether the acquisition of zamindari will be deemed a public purpose. You are aware, Sir, that this is a difficulty which is also being experienced in India. It has been interpreted by certain High Courts that the acquisition of zamindari or abolition of zamindari cannot be deemed to be an acquisition for public purpose. Therefore I bring to the notice of the Government whether an amendment like this also should be introduced in this Bill in order to make the acquisition of zamindari as a thing which shall be deemed to be a public purpose. This difficulty has not been removed by the new amendment which is sought to be made. Here the difficulty with regard to the adequacy of the compensation has been removed so far as the East Bengal Acquisition Bill is concerned, because on

* Speech not corrected by the Honourable Member.—*Ed. of Debs.*

[Shri Dhirendra Nath Dutta.]

account of the new amendment that is sought to be moved by our Chief Minister, Honourable Mr. Nurul Amin, it has been said that nothing in this Section shall be construed to invalidate on the ground that the compensation provided for is inadequate. You are aware that in East Bengal the highest compensation is eight times the net income of a zamindar or the rent receiver and the lowest is two times his net income in the case of a person whose income is more than a lakh of rupees. So the question of inadequacy in this Bill has been removed. In this connection I am really pained to observe that really the other day my esteemed friend, Mr. K. K. Dutta, raised a point of order with regard to clause (b)—*viz.*, evacuee property. He said that the fundamental principle that has been accepted by us is the question of compensation, that is, if a person's property is acquired, the compensation, whatever it may be, shall be deemed adequate. He said that so far as evacuee property is concerned, according to clause (b) it amounts to confiscation without compensation, and therefore he raised that point of order, but I was pained to find that our Chief Minister, the Honourable Mr. Nurul Amin, while replying to the point of order of my friend, Mr. K. K. Dutta, told him that it had nothing to do with him. Sir, he was one of those who advocated acquisition for compensation, but he was told that he had nothing to do with the acquisition of zamindari in East Bengal. My friend, Mr. Nurul Amin gave the dog a bad name and hanged him. He even cast a fling that we were obstructing. You are aware, Sir, that we did not obstruct. In fact, we had been agitating all along that so far East Bengal was concerned we were at one with you in this matter. You are aware that while you were a member of the Bengal Legislative Assembly, we were anxious to see Zamindari abolished and abolished immediately. In fact, we had been agitating for the abolition of the Zamindari for a long time past—for the last quarter of a century. As a matter of fact, the Congress Government has passed legislation for the acquisition of Zamindari in all the provinces of India.

The Honourable Mr. Fazlur Rahman (East Bengal : Muslim) : They took three months to allow the Bill to be passed.

Shri Dhirendra Nath Dutta : *So far as East Bengal is concerned we have been agitating for the acquisition of the zamindari and I know many members of the Muslim League are at one with us and a Bill like this was introduced in the Bengal Legislative Assembly. Therefore, it is useless to cast a fling at us. We are anxious that Zamindari should be abolished and the law that has been passed by the East Bengal Assembly receives the immediate assent of the Governor-General. Therefore, we welcome this legislation. But, Sir, I stand here to bring to the notice of the House the other difficulties that may arise. So far as the evacuee property is concerned we must be frank ; we must say that so far as evacuee property is concerned, we shall confiscate that without any compensation. We understand that. Let us make a clear confession like that. We will be glad. It is useless to say that really so far as the evacuee property is concerned we shall be just ; we shall deal justly. The object is to confiscate this property without compensation. Let them do it ; we have no objection if they make a clear confession in this matter. I do not know what expression to use ? It is really giving the dog a bad name and hanging it. But I say this may not be sufficient. I want the Honourable Minister who introduced the Bill to say that the acquisition of zamindari shall be for public purposes.....

* Speech not corrected by the Honourable Member.—*Ed. of Debs.*

The Honourable Pirzada Abdus Sattar Abdur Rahman : It is already there ; you have not understood.....

Shri Dharendra Nath Dutta : *I am anxious to see that no difficulty is experienced. I wish that this is abolished ; I am anxious that it receives the assent of the Governor-General ; I am anxious with regard to adequacy or inadequacy of compensation and you have to see whether difficulties will arise or not. This is for you to consider. I wanted to bring this to your notice.

With these few words, Sir, I resume my seat.

Mr. Murtaza Raza Choudhry (East Bengal : Muslim) : *Mr. President, Sir, in supporting the amendments to Section 299 of the Government of India Act, 1935, I wish to draw the attention of the Government to one fact. We all know that the Bill for the abolition of the Zamindari in East Bengal is awaiting the assent of the Governor-General. The assent would not have been delayed but for the fact that the Government fears that the Bill if passed into law would be challenged by aggrieved parties in the appropriate courts of law. Similar legislations passed in Bharat have been questioned in Bihar and the U. P. and the Patna and Allahabad High Courts have declared them to be *ultra vires* in view of the Section 299 of the Government of India Act, 1935. This has forewarned our Government in time and they intend to meet all future objections by the amendment before the House.

I am glad that the Government is taking proper steps, by way of amendment, to see that the matter is not agitated in courts of law after the Bill receives the assent of the Governor-General. Because unfortunately there has been opposition to the Bill by a misguided section of zamindars and I fear that unless the necessary amendment is made in the law, the poor rack-rented peasants of East Bengal will be deprived of the fruits of their labour. Since the introduction of the Permanent Settlement in Bengal about 150 years ago, the Zamindars have been fattening on the labours of the peasants. The ryots starved while the zamindars spent lavishly to satisfy their slightest whim. None can realise better the difference between the two classes than my humble self. Coming as I do from an old zamindar family I have always been touched by the pitiable sights that I saw in the countryside. It was my old experience of the Floude Commission which thoroughly entered into and investigated all aspects of land tenure in Bengal, that unless the Permanent Settlement was done away with, the condition of the people of Bengal would never improve. We have the findings of that authoritative body before us and I wonder at the policy of those who still thought of opposing the Bill in the provincial legislature and outside. But we must thank Providence that in spite of the carping criticism of the hostile elements we succeeded in passing the Bill in the legislature. I was twitted by my friends who called it suicidal policy. But I told them, and it is my conviction, that for a person who calls himself a Muslim there is no other course open but to help those who have been deprived of the fruits of their labour by centuries of foreign rule.

Therefore, Sir, I think that it is in the fitness of things that this Assembly should welcome this amendment. It has given us a chance to finally help the masses of East Pakistan to stand on their legs. Avarice supported by wealth will try to place obstacles in the way of this benevolent piece of legislation by way of litigation. But it is our duty to see that justice should be done to the ryots of East Bengal and, according to the

* Speech not corrected by the Honourable Member.—*Ed. of Debs.*

[Mr. Murtaza Raza Choudhry.]

old maxim, justice delayed is justice denied, the sooner it is done the better. Therefore, let us usher in a new era which must be in keeping with the lofty objectives of our infant state.

We will be failing in our duty if we do not follow the injunctions of the Holy Quran and the inspiring *Sunnat* of the Holy Prophet regarding the poorest Muslim as our dearest brother. The lowliest in the land should be as much concern of our solicitude as the highest. Let it not be said that the largest Muslim State in the world was not governed by the perennial principles enshrined in the Holy Quran. Let us not be deflected from our path of duty. We should march forward with God overhead and heart within to do justice to those who have been deprived of it for the last so many centuries.

Seth Sukhdev (Sind : General) : *Mr. President, Sir, the Bill is not so innocent as it looks. It is made out to be a simple measure but actually it makes important changes. Sir, the first change is that instead of paying compensation in cash it permits giving of compensation in any other form. Now this is a very vague position. If it is to be compensation at all, it should be in cash.....

The Honourable Dr. Mahmud Husain (East Bengal : Muslim) : Why ?

Seth Sukhdev : *The second point is this, under Section 299, as it stands at present, a law providing for compulsory acquisition of land is not valid, unless it makes provision for the payment of compensation ; or unless it lays down how compensation is to be determined. Sir, I will read that :

"Compulsory acquisition of land, etc. No person shall be deprived of his property save by authority of law. Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land or any commercial or industrial undertaking, or any interest in, or any company owning, any commercial or industrial undertaking unless the law provides for the payment of compensation for the property acquired and either fixes amount of compensation or specifies the principles on which and the manner in which it has to be determined."

Sir, thus section 299 lays down a fair and just principle that you cannot deprive a man of his property without compensating him. Now, this sound principle is being given a go-by in certain classes of cases by introducing a new clause 4A.

Sir, reference has already been made in this House to the Interim Report of the Committee on Fundamental Rights. Now, I am not suggesting that the recommendation of this Committee have the force of law or that as the Constitution stands at present, the proposed amendment is out of order. What I urge, Sir, is that the principle of paying compensation is a just one, that the Committee on Fundamental Rights has approved it and that this House itself has adopted the Committee's Report. Is it right then, Sir, that we should now disregard this very principle ?

Sir, no State should refuse to pay compensation when it takes over somebody's property, even when.....

The Honourable Pirzada Abdus Sattar Abdur Rahman : Is the Honourable member opposing or supporting the motion.

Seth Sukhdev : I am opposing.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Be clear !

Seth Sukhdev : *.....even when its financial position is not secure. Plain justice demands that everybody should be compensated for what he is made to lose ; but in our case there is no excuse whatsoever

why we should recognise laws which do not provide compensation. Pakistan's financial position is sound, its economy has been fully stabilised and the State is in a position to pay for what it needs. Why should we then legalise laws which ignore fundamental principle of justice that nobody should be deprived of his property unless he is fully compensated. Sir, with these few words I oppose the Bill.

The Honourable Mr. Nurul Amin (East Bengal : Muslim) : Mr. President, Sir, the Government of Pakistan deserves congratulations of the teeming millions of East Bengal who have been suffering for over a century and a half under the dead-weight of an infamous measure adopted in the year 1793 commonly known as the Permanent Settlement, for undertaking this piece of legislation in this House. Sir, I do not like to recapitulate the half a century old movement for the abolition of Permanent Settlement and its development stage by stage, the career—the chequered career—of this movement, on this happy occasion when it is receiving blessings from various sections of this House. I am glad to know that even a section of the Opposition is welcoming this measure, and, according to them this will pave the way for further emancipation of the economic life of the people in every part of Pakistan.

Shri Sris Chandra Chattopadhyaya (East Bengal : General) : There is no Opposition Section in this House.

The Honourable Mr. Nurul Amin : I have just heard the Honourable Leader of Opposition that there is nobody here in this House to oppose this measure although one of the Members.....

Shri Sris Chandra Chattopadhyaya : I never said that. What I said was that there is no Opposition Section in the Constituent Assembly.

The Honourable Mr. Nurul Amin : Yes, I stand corrected ; that there is no Opposition in the Constituent Assembly.

The Honourable Dr. Mahmud Husain : There is opposition to the measure.

The Honourable Mr. Nurul Amin : But still.....

The Honourable Pirzada Abdus Sattar Abdur Rahman : What did the last speaker say ! Was that not opposition ?

The Honourable Mr. Nurul Amin : There are some members who opposed this measure, there is no doubt about it. It is clear and it is quite natural that the opposition has changed only the venue from the Eastern Wing to the Western Wing of Pakistan. This is the only difference. They are the agents of the vested interests, there is no doubt about it. We in East Bengal and before Partition in undivided Bengal, had to face such opposition from the agents of vested interests and this legislation had to undergo various obstacles from the Opposition. It was first introduced by the Honourable Mr. Fazlur Rahman, now Commerce and Education Minister here, in undivided Bengal, but it could not be gone through before the Partition. It was introduced, Sir, in the first Assembly of East Bengal, but it took a long time before we could pass it into law. I do not like to refer to what sort of opposition we met with, as to how many walks out this piece of legislation had to witness, as to what sort of meticulous points were raised and days after days were spent in useless discussions and speeches, but after all, we succeeded in getting it passed into law.

Shri Dharendra Nath Dutta : Do not forget the assistance that you received at our hands.

The Honourable Mr. Nurul Amin : I am grateful.

Shri Dharendra Nath Dutta : We have assisted the Honourable Member in getting this measure passed. You should not forget the assistance that you received.

The Honourable Mr. Nurul Amin : I am grateful to everyone of those from whom I received assistance in passing this law, Sir. I have not forgotten that ; I only mentioned about the opposition and I have not mentioned about Mr. Dutta ; I did not know how the cap was fitting his head. Sir, one thing that has been pointed out by.

Shri Dharendra Nath Dutta : There was no opposition at the time of the abolition of zamindari. If there was opposition, it was from the section belonging to you.

The Honourable Mr. Nurul Amin : Sir, one point that has been made out by Mr. Dutta is whether in a Court of Law, acquisition of property by Government will be construed as for 'public purpose'. Certainly, the matter is for serious consideration because it is such points which are agitated in a court of law ; the lawyers find some lacuna in the legislation, and the object of legislation is frustrated. So, I request the Honourable Law Minister to dive deep into this matter because we have received a timely warning so that our attempts may not be frustrated in this matter by not changing and explaining the words 'public purpose' in this measure. I hope, Sir, that this piece of legislation will be the last nail in the coffin of this sort of agitation.

Mr. Nur Ahmed (East Bengal : Muslim) : Sir, I very strongly support the motion, but I must say this Bill is full of momentous implications. The history of feudal system of land tenure is a very old one. Sir, I do not like to go into that history and rake up the old memories which are embodied and preserved in the proceedings of the defunct Bengal Legislative Assembly—wherein attempt after attempt was made to pass a Bill to abolish Zamindari system, but even the Government failed owing to the vehement opposition of the Congress Opposition Party. I thank heartily Mr. Dutta for supporting this Bill. I am glad he has supported this Bill, but, as I said, I do not want to go into the past history of this legislation. Sir, Bengal has been the worst sufferer. This feudal system of zamindari known as Permanent Settlement was introduced in Bengal in 1793 by Lord Cornwallis which was responsible for poverty and illiteracy among a very large section of the Muslim population, who were previously the rulers of that land. Sir, this past history is a very painful and unpleasant one and it is very graphically described by Hunter in his book called the 'Indian Mussalmans'. He has shown in it how this system deprived the Musalmans of their wealth and property and cut at the very root of their national education. I do not like to go into that history. Sir, attempts were made to pass a piece of legislation in the then Bengal Assembly for the abolition of the zamindari, but the Congressmen who wanted the system of government for the people and by the people opposed it and I thank Mr. Dutta for his liberal support of this Bill.

Sir, I must thank the Honourable Premier and his colleagues and the Members of the East Bengal Assembly. I can assure him that if he abolished the zamindari system of East Bengal by means of the East Bengal Estate Acquisition Act, his name will be written in golden letters and our future generation will remember him with gratitude. In this connection, I must say this that the system of zamindari should be abolished not only in East Bengal but throughout the whole of Pakistan. This octopus of the feudal land tenure system has spread tentacles over the

whole body politic of Pakistan and is sucking the life-blood of the Pakistani nation. The whole nation is groaning under this system and this Act is sitting like a dead weight on the healthy growth of the nation in Pakistan. Unless it is abolished, there is no bright future for Pakistan. I sincerely hope and trust that by means of this small Bill Government is going to remove all difficulties that may face it in the future. With these few words I very strongly support this motion.

Mr. Ghayasuddin Pathan (East Bengal : Muslim) : Mr. President, Sir, as one connected with the movement for the abolition of Zamindari in Bengal and as a resident of the premier district of Bengal which took a very active part in this movement, I consider today, the 13th of April, 1951, as a memorable day in the history of Pakistan. The bold action that the Government of East Bengal has taken in abolishing zamindari will, I hope, remain recorded in golden letters. As one of the stalwarts of that great movement, you are perfectly aware, Sir, how the interests of the poor tenants of Bengal suffered at the hands of the zamindars of Bengal, some of whom were undoubtedly notorious for their tyranny and oppression. This amendment of section 299 of the Government of India Act will enable the Government to give it decent burial. The Dragon of tyranny that came into being by a stroke of the pen of Lord Cornwallis in 1793 will be no more and that is why I call today, the 13th of April, 1951, as a memorable day in the history of Pakistan.

Sir, although some of my friends have referred to compensation, I think this is neither the occasion nor the forum to consider or discuss about the question of compensation. Justified or not from the moral or equitable point of view, the Provincial Government of East Bengal has closed the chapter by providing a clause for compensation. Still, my friend Mr. Sukhdev will complain that if there is to be a compensation, it must be adequate. It seems he is not satisfied even with his pound of flesh ; he wants more.

Now, Sir, this piece of legislation, as I have already said, is welcome. It is a very useful piece of legislation, particularly for East Bengal, which is inhabited to the extent of 90 per cent. by tenant population. So, Sir, on behalf of these tenants who had been under the tyranny and oppression of this legislation for so long I congratulate with all sincerity the Central Government for introducing this amending Bill to enable the abolition of zamindari. Sir, the Central Government has certainly taken a strong attitude in this matter and we are very pleased to find that in doing so they were heedless of the vested interests of many a Sukhdev and many a Shaukat and particularly of one who always attributes British imperialism in every action of the Government, however, laudable it may be. I hope the other provinces of Pakistan will follow East Bengal as a torch-bearer and this legislation will wipe out of existence all the vested interests in the whole of Pakistan and give it a new life. It will also safeguard the interests of the common people in whose name and by whose slogan Pakistan was achieved.

Now, Sir, my friend, Mr. Dutta, has raised a point and he says that it has been held in a Court in India whether this acquisition is for a public purpose or not. Sir, the Honourable the Prime Minister of East Pakistan has drawn the pointed attention of the Law Minister to this fact, but, Sir, I say that law is nothing but common-sense. We in Pakistan think, Sir, are not so quick in understanding things. So, Sir, what is not a public purpose in India may be public purpose in Pakistan, because, Sir, when it is a life and death

[Mr. Ghayasuddin Pathan.]

question to a clear majority of the people—more than 90 per cent. of the population of a country—if this is not a public purpose, I do not know what will be a public purpose.

With these few words, Sir, I support the motion.

Shri Dharendra Nath Dutta : The Zamindari Bill was passed in India by a clear majority.

Moulavi Ebrahim Khan (East Bengal : Muslim) : Sir, I rise just to associate myself with the felicitations that have been uttered by some learned friends of mine in this House who have gone before me. Sir, I welcome the motion and I offer my sincere thanks to the Central Government for bringing this beneficent measure before this House. I feel that this measure deals the death-blow to that deadly Permanent Settlement from the devastating effects of which millions in East Bengal have suffered for generations. Sir, I shall not go into details. I would only wish that the progress of this march to Democracy may continue unhampered and may spread from Province to Province till this happy land of Pakistan be a land of entire freedom, freedom from all kinds of restrictions that may hinder human progress in any sphere of its activities.

Mian Muhammad Iftikharuddin (Punjab : Muslim) : Mr. President, Sir, an impression seems to have been created by the gentleman sitting opposite me that something very revolutionary, something very beneficial and progressive has been put forward whereby the vested interests have been eliminated from East Pakistan. That is not so, Sir. Let the public not be beguiled into thinking in that way. I admit that, to a point, a progressive measure has been put forward, but to say that this will put an end to feudalism in East Pakistan is absolutely incorrect; even to say that the landlords and the vested interests have suffered a big blow is wrong. I cannot go into the details of the measure that has been passed in the Legislative Assembly in East Bengal, but I can safely say this much, Sir, that the landlords have not suffered very much. In fact it would be cheating the public if we create an impression that a very big reform has been brought about in East Bengal. That is one point, Sir, I wanted to make clear.

Secondly, Sir, the question has arisen: as to whether it is right for a Government to consider a particular purpose as a public purpose. I think, Sir, on that the House should always be very clear. Whatever benefits the majority of the people is a good thing, is a good measure and is a public purpose. No Government has the right to victimize a group but the Government certainly can bring about a measure whereby the majority of people benefit, and in bringing this measure the Government has not sought to victimize an individual or a group. That much credit I give the Government.

The third point that I want to bring to the notice of this House is that people have got up from this side and tried to make out a case that no property should be acquired without compensation and a member from Sind has come out with the astonishing statement that the British-made law should not be ignored in this respect and that the compensation should be paid in cash. Well, Sir, I differ with him. I also differ with the spirit underlying this measure, namely, that compensation in some form must be given in all cases. Sir, situations can arise in a country, in a State, in a nation, when no compensation need be paid at all. For instance, if the property or the land or the interests of a person have been acquired in the past by playing

a traitorous role to his country, I do not see any reason whatsoever for any compensation to be given to that person. If the property of a person or a group of people has been acquired in the past by his helping the alien Rulers, I do not see any reason whatsoever for compensation to be given to him or to that group. If the land or the property of an individual or a group had been acquired under the law fifty years ago, but the individual or the group had no business to own that property then again the question of compensation does not arise and I beg to submit, Sir, that big estates—I am not talking of small land-owners; I am taking of big estates of the landed aristocracy—were acquired by immoral means and as such any compensation for these properties and these vested interests to my mind is criminal. If the Government, or the majority party in this House, are to be criticized, it should be on this question, namely, that no compensation should be paid to owners of big estates, to old Jagirdas and feudal land-owners. That is my submission. Let the Government not take pride in the fact that they have brought in 1951 a measure whereby compensation will be paid to the landlords. I understand it is quite a good compensation and it may continue to be paid for the next many years to come. Let the Government not take pride in that fact. I was hoping that after the Objectives Resolution, after the declaration that this country is to be governed in accordance with Islamic principles, our Government at least 3½ years after—it should have been much earlier—would come out with a measure whereby feudalism would have been brought to an end, whereby the land of these people—who, if anything, should have been sued for having taken the income of their lands for the past so many years—would have been taken over by Government.

I repeat I am against all big landed estates and jagirs. I am against feudal lords with big incomes.

The Honourable Pirzada Abdus Sattar Abdur Rahman : What do you mean by 'big'?

Mian Muhammad Iftikharuddin : By big I mean anything that is above what you would consider as middle class income.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Are you middle class?

Mian Muhammad Iftikharuddin : Let us not talk of personalities because that may hit both.

The Honourable Pirzada Abdus Sattar Abdur Rahman : All that I wanted to know was your idea of what you mean by 'big' holding?

Mian Muhammad Iftikharuddin : I will try to reply to you. I consider middle class income as a reasonable income. Say anything between 500 or 700 rupees a month or an income of 6,000 to 8,000 rupees a year is a reasonable income.

Sir, I was saying that I am surprised after the Objectives Resolution and with the declaration that we want to govern this country in accordance with Islamic laws, Government still considers it necessary to pay compensation to people who had no rights whatsoever to enjoy the fruits of other people's labour as they have done for many generations in the past.

Lastly Sir, I think someone rightly connected the question of democracy with feudalism. Only he distorted the view. I think the future of democracy depends on the abolition of feudalism. I beg to submit that recent election experience—as the experience of the past three or four decades on this sub-continent has proved—that feudal

[Mian Muhammad Iftikharuddin.]

hold over the people in rural areas (and 90 per cent. of the people of—Bharat and Pakistan—belong to the villages) is so great that it is nonsense to talk of democracy in the present circumstances. There can be no freedom so long as there is feudalism in this country. To give just one example on which there can be no disagreement

Mr. President : You are digressing very much now.

Mian Muhammad Iftikharuddin : I was saying that the future of democracy is connected with the abolition of feudalism. This measure does not go far enough.

Mr. Ghayasuddin Pathan : Sir, he is again nearing imperialism.

Mian Muhammad Iftikharuddin : I will not talk on that. Of course feudalism and the princely states are supported by imperialism and they must be retained if imperialism is to be retained in this country. Mr. Ghayasuddin Pathan is quite correct in saying that criticism of big zamindaris and imperialism will continue until freedom comes. Sir, I was trying to submit that even recently it has been proved though in the past people may hold different view and fairly sincerely. Some people did not believe in the conception of Pakistan even but I give them the credit that if those people knew the conception of freedom, possibly they were sincere in their belief but there was a class of people in India who did not believe in any form of freedom ; they were opposed to the very conception of freedom—I am referring to the Unionist Party of the Punjab, a party of big landlords.

Mr. President : How is all that relevant ?

Mian Muhammad Iftikharuddin : My point is that recently it has been proved that the leaders of that party could get elected in Pakistan not because people have any admiration for their policy but merely because they belonged to the landed aristocracy and have the necessary influence to get votes. Future democracy greatly depends on the future of feudalism. Therefore any measure of this sort should be welcomed by this House but the House should know that the measure that has been brought forward is far from being satisfactory and public should not because people have any admiration for their policy but merely an end. In East Pakistan this is going to do a little good. But this is not enough.

In this session of the parliament two things have vindicated my position. Whenever I talked of nationalization in past, the Government members used to say that it is immoral ; it is un-Islamic. Similarly whenever I talked of taking over of property from big landlords the Government hurled the same criticism against me. I am glad that Government has at least accepted those principles. I hope they will continue to be educated and a time will come when they will agree with me completely. We will then have Pakistan economy truly based on Islamic principles. In another way also what I have been saying has proved to be correct. I had been saying that there is really no difference between the Congress and the League in his House. They are all reactionaries. Today's speeches have proved that. I hope, they will form one party one day and the public will no longer be cheated.

The Honourable Mr. M. A. Khuhro (Sind : Muslim) : *Sir, I would like to say a few words on this measure. The measure as such is welcome. I stand to support it because it helps a very important unit of

* Speech not corrected by the Honourable Member.—*Ed. of Debts.*

Pakistan in many ways. I realise that I am going to speak on a subject with which I am not fully conversant—not knowing properly the conditions of East Bengal. But I have gathered from the discussion that has taken place here and there and I have come to this conclusion that the measure which is now before the House is a measure which is actually going to benefit the East Bengal Province immensely. This has in real sense nothing to do with the question and problem of relationship between the tenant and the present landlord who enjoy the privilege of permanent settlement, but with what we know as permanent settlement which is a kind of agreement entered into by the British Representative, Lord Cornwallis, in the 18th Century. These people are those who are enjoying the privilege of permanent settlement. They obtained this land for practically nothing. At that time some of the lands were cultivated and some of them were uncultivated. When this agreement was made there was no question of compensation, no revenues were intended to be charged and nothing was assessed for the uncultivated lands but in those days when things were quite different from today and the terms that were fixed with them when compared to the conditions now and the money value at the present moment they really contributed very little to the State. The people who were even collecting, as middle-class agents, revenue for the East India Company in those days, they were subsequently made the landlords and amounts of rent were fixed which they were to pay to the State. Some lands were purchased by them subsequently from the local population. As far as tenants are concerned these tenants have been paying certain cash rents and these cash rents, as far as I can see from this Bill, it does not affect the cash rents. This measure is intended to do away with those agreements and to charge them with what is reasonable and rightly due to the State. Sir, this is a very reasonable proposition. The compensation which is now to be given also varies according to the quality of land and according to the size of it and according to the person who holds land and in what manner and what form he obtained that area. This problem cannot be compared with the problem that exists in western wing of Pakistan. This stands entirely on a different footing and as far as I can see and what I have heard, the Provincial Government of East Pakistan will very materially benefit in the shape of land revenue to the tune of about two to three crores of rupees per year, I believe. At the present moment, East Bengal Government has really been getting very little in the shape of revenue, which is even less than Rs. 2 crores, of course subject to correction, but by passing this measure the land revenue is bound to increase and it might go up to nearly 5 crores of rupees. Compared to that, Sir, the provinces in West Pakistan which are much smaller, have been paying very much more to the provincial revenues. Compared to East Bengal, the province of Sind, which is much smaller than the Eastern unit, is paying anything between six to seven crores of rupees as annual revenues to the State, which at the present moment is more than three times of the revenues collected in Eastern Pakistan. So, Sir, from this point of view the Government are fully justified in bringing a measure of this kind, but I am afraid a lot of loose criticism is going on about it, that this is a measure for the benefit of the tenants. I want to make it clear that it is not so. It does not affect the tenants, because the tenants' condition—I do not know where it stands because I have not studied this problem—as far as I can understand is not affected directly. It only affects the middle man who wants that land and who enjoys the permanent settlement. The conditions here are different because most of the lands here have

[The Honourable Mr. M. A. Khuhro.]

actually been purchased on account of the irrigational schemes in the Punjab and Sind which were undertaken and completed at huge costs. There has been Sutlej Project and now there is Thal Project and various other projects that there have been in Punjab and Sind like Sukkur Barrage in Sind which was completed at an expense of more than Rs. 30 crores and there are several schemes and projects for land reclamation which are being pushed through. Now those lands have been actually sold to the highest bidder at more than the market rate. So actually most of this land has been purchased at a higher price. Besides that, there is the question that they have been paying substantially to the State in the shape of land revenue. Then there are settlements which have been changing every fifty years in the province of Sind. Every fifty years a new settlement is arrived at as to what the owner of the land, the so-called zamindar will pay to the State. Therefore, after every fifty years, there is a chance for the Government to register their demand according to the conditions prevailing at that time.

Now, as far as the tenants are concerned, their relationship is defined under a definite law here and they are getting a fixed amount, say, fifty per cent. share out of the produce of that land which, again, is considered in every respect reasonable so far as the share goes.

The Honourable Mr. Fazlur Rahman : You can change him at your will.

The Honourable Mr. M. A. Khuhro : That we can not do under the law that has been passed, according to which tenants who have been engaged in labour cannot be turned out, unless for very extraordinary reasons which are to be proved to the satisfaction of the Tribunal. It is an absolutely wrong impression that a zamindar can turn out his tenants any time he likes. Under the new law which has been passed we cannot turn out any tenant unless it is proved to the satisfaction of tribunal that we are justified in turning him out because he is no good for cultivation and he is a useless man. There are many other handicaps, into the details of which I do not want to go at the moment, but I want to clear one misunderstanding that the Honourable Minister and the Honourable Members should not be very happy that they have got something very meritorious and very grand for the people there. There is no such thing. This is only helping the province of East Bengal.

Mr. M. H. Gazder (Sind : Muslim) : Sir, I rise to support this measure, the necessity for which had arisen because of the fact, as the Honourable the mover of the Bill has said, that in Bharat in judgments given under Section 299 of the Government of India Act, 1935, similar legislation was declared *ultra vires*.

The policy of the Party to which I belong has been that we should abolish all zamindari or jagirdari throughout Pakistan.

Sardar Shaukat Hyat Khan (Punjab : Muslim) : Which Party you belong to ?

Mr. M. H. Gazder : I belong to the Muslim League and I am proud of it.

Sardar Shaukat Hyat Khan : Does Mr. Khuhro belong to the same Party ?

The Honourable Mr. M. A. Khuhro : What is the aim of your Party ?

The Honourable Khwaja Shahabuddin (East Bengal : Muslim) : We have one Party and one leader. Our friends Mian Sahib and Shaukat Hyat do not know what the policy of their party is.

Sardar Shaukat Hyat Khan : Thank God, you have come to know yours.

Mian Muhammad Iftikharuddin (Punjab : Muslim) : It has more influence than the Muslim League.

Mr. M. H. Gazder : *An attempt is being made under this Bill to see that the good work done in abolishing Zamindari in East Pakistan is not undone by any defect in law and that law is now being amended. It is said that Islam does not permit compulsory acquisition of property without compensation. Under the Act that has been passed by East Bengal Legislative Assembly, compensation has been provided. So, there is no question of our going against any Islamic principles. But, Sir, as the Honourable the mover of the Bill has said, he wants to amend some portion of section 299 of the Government of India Act, 1935. There is no confusion about compensation. It will be paid either in cash or in some other form.

As regards whether it is adequate or inadequate, we do not want to go into litigation. There might be thousands and thousands of cases in which poor agriculturists would be involved. I hope Government will think of bringing a similar measure for West Pakistan, because we do need this reform very badly on this side also.

Sardar Shaukat Hyat Khan : †Sir, I had no desire to participate in this discussion but in view of what my friend the Chief Minister of Sind has said in his speech I feel that I should say something about his remarks.

Sir, there are two eminent personalities here in Pakistan whose logic I have not been able to follow so far. As far as the first gentleman is concerned, I may tell the House that when he paid a visit to Canada during the British rule, he had remarked in a speech there that slavery did not exist in India nor did the people have an idea of what it was like. This gentleman is now a member of this House but since he is not present I do not want to disclose his name. The other gentleman whom I have never been able to understand is my friend, the Chief Minister of Sind. He says that the state of zamindari is not satisfactory in Sind. If he says that day is night we shall have to believe him otherwise we shall be inviting trouble. We shall have to believe him also because he comes from a province where a fourteen year old child could be easily made to attain the age of twenty-four years in one single night and a woman turned into a man, not to talk of turning day into night and night into day.

The Honourable Pirzada Abdus Sattar Abdur Rahman : All these matters are hardly relevant.

Sardar Shaukat Hyat Khan : I will come to you now.

†Sir, really I could neither follow his logic nor understand his views. He says that this Act will apply to East Bengal only. Sir, English is not my mother tongue but so far as I have understood this Bill, I think that clause 299 will apply not only to East Bengal but to the whole of Pakistan. On the other hand, Mr. Khuhro says that it

* Speech not corrected by the Honourable Member.—*Ed. of Debs.*

† English translation of the Urdu Speech.—*Ed. of Debs.*

[Sardar Shaukat Hyat Khan.]

will not apply at all to West Punjab but is intended only for East Bengal. I shall submit that you should amend it in such a way as to enforce it not only in East Bengal but also in Sind.

†Sir, as far as I think, it is not properly framed and has certain flaws. As Mian Sahib has said, you should move another step forward and remove these flaws. As you belong to the province of Mr. Khuhro, you should be a little more bold and amend it suitably. Mr. Khuhro's province is full of *Haris* and Zamindars. Perhaps he does not know that the zamindari system existing in his province is almost the same as it is in the Punjab. It was the East India Company which introduced zamindari system in Bengal. In order to keep their hold Napier created Zamindaris in Sind and Abbot and Nicholson in the Punjab. These Zamindars were bribed for their support. In the Punjab too, some of our ancestors were bribed and thus induced to be traitors to their country. Therefore, such persons have no right to demand any compensation, if the land, which was originally bestowed on them by the British as a reward for their treachery, are taken over from them. It is in itself a compensation that they have had it in their possession unlawfully for two hundred years. I would, therefore, submit that this Bill does not serve the purpose. It should be amended in such a way as to enable the Government to take away the land without paying any compensation to the landlords who have held it unlawfully for centuries. There is no justification for giving them any compensation. I, therefore, support Mian Sahib and congratulate you for this bold step and pray God to give you more courage and strength to amend this Bill suitably and to be likewise bold in every undertaking. With these words, I conclude my speech.

The Honourable Mr. Muhammad Habibullah Bahar (East Bengal : Muslim) : *Mr. President, Sir, we achieved independence on the 14th August, 1947—13th April, 1951 also will go down in our history as red letter day. Political independence becomes meaningless if the common people do not achieve economic independence. This legislation I consider to be the first step towards the economic independence of our people. Permanent Settlement in Bengal changed the whole social structure of the Province. When Mr. Khuhro says the Government might be benefited and common people might be loser, I tell him that it is not two pounds lost out of capital outlay. Lord Cornwallis created some drones who were sucking the life-blood of our people in our province. For the last quarter of a century our common people have struggled against this as a result of which, I feel, that the common people in our province are more conscious than in any other province, even in the province of Mian Sahib or Mr. Khuhro. When Permanent Settlement will be abolished, we feel that a new society will be created. I do not say there is finality attaching to it, but I say this is the right step towards the real independence of the common people. So, Sir, I congratulate our members of the East Bengal Assembly, specially our Premier, and all those present here and Khwaja Nazimuddin who himself is a big zamindar of the province. He has signed his death sentence and here again he will be signing his death sentence. I think brighter days will come not only for East Bengal but for all the provinces. Mr. Gokhle said, "What Bengal thinks today India thinks tomorrow." Step towards real freedom was taken by the people of my province and I invite Mr. Khuhro to do the same.

* Speech not corrected by the Honourable Member.—*Ed. of Debs.*

† English translation of the Urdu Speech.—*Ed. of Debs.*

There is a lot of misunderstanding ; I am really sorry that he does not know about the land system of our province. If he would come and visit the different areas he would see that the people there are more conscious and their position is far better than of people here. Sir, I do not like to go into the details.

I again congratulate everybody who is connected with this Bill here and I again say that this is really a red letter day and with these words I support the motion.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Are we adjourning at 5-30, Sir ?

Mr. President : Quarter to six.

The Honourable Pirzada Abdus Sattar Abdur Rahman : *Sir, I have listened to the speeches of Honourable Members. I would like to clear up a legal apprehension that was referred to by Mr. Dutta with regard to the provision of Section 299 on the ground of public purpose. I would request him to read 299 ; probably he has not read the first part of Section 299 which says that no person shall be deprived of his property save by authority of law. That means that you can legislate and bring in any measure for the purpose of taking away property. Now sub-section (2) says that you cannot take away that property by law under sub-section (1) until the requisite of the section is complied with which is that land should be acquired for public purpose. Then only sub-section (2) applies. If the land is not acquired for public purpose Section 299 does not apply and under Section (1) you can legislate whatever you like. You cannot do it both ways, whether it applies or does not apply. Therefore, on that ground also, I am sure, he must be convinced that the question of public purpose does not arise at all.

Shri Dharendra Nath Dutta : *The question is whether sub-section (1) subject to control of sub-section (2), that is the point which can be agitated in law courts and that is the apprehension that I have expressed. That point has been agitated and had been agitated in law courts with success.

The Honourable Pirzada Abdus Sattar Abdur Rahman : *It may have been agitated, but not with success. I might inform the honourable member, he is himself a lawyer, that the reading of the section is so clear that you can legislate to take away property under sub-section (1) unless it is acquired by Government for public purpose, then compensation must be paid. So there can be no doubt, but, again I might remind him that he has not read my Bill properly. If he were to read back, even if such apprehension as were in his mind, might have been removed. New Sub-section (4A) which I have said should be inserted in the Act, it reads :

“Nothing in sub-section (2) shall be construed, invalidate”

Now, what does ‘nothing’ means. Whatever may be construction put on the phraseology to sub-section (2), it shall be invalidate and therefore, even if ‘public purpose’ would be agitated, then I have tried in my Bill that nothing contained in sub-section (2)—any construction put on ‘nothing contained in sub-section (2) will invalidate’, but, even that he has not read.

Mr. President : You have used the word ‘public purpose’ in your Bill.

* Speech not corrected by the Honourable Member.—*Ed. of Debts.*

The Honourable Pirzada Abdus Sattar Abdur Rahman : *Quite true, Sir, but that is with regard to law. I have said "any law which provides for compulsory possession for 'public purpose' shall not be invalidate dby putting any construction on the content of sub-section (2)". So, it is very clear, Sir.

Again, Sir, there is safeguard that I might point out to him. He might have seen Honourable Mr. Nurul Amin's amendment which is in consultation with me and which I am going to accept. It says :

"(a) any provision in any law of the kind referred to in that sub-section, which purports to fix the amount of compensation or to specify the principles on which, and the manner in which compensation is to be determined and given. on the ground that it contravenes the provisions of that sub-section or that the compensation provided for is inadequate ;"

'On any ground that it contravenes the provisions of sub-section (2) ' it is wide enough. So, I have taken great care and I am certain it cannot be challenged in a court of law. But my friends have been vehement especially Mr. Dharendra Nath Dutta in giving his support and good wishes to the measure. I am very sorry to point out to him that when he genuinely felt that there was a lacuna in the Bill, he should have at least moved an amendment in that direction. So, I would like to agree with Honourable Mr. Nurul Amin that the protestations that are being made with regard to this report, may not be as they really seem to be, but I am very sorry to observe that no amendment should have been tabled on this ground on which our Bill might be challenged. With regard to the credit that he has tried to take for his party with regard to the measure brought in East Bengal, I do not grudge him that, but let me point out to him that it was the Muslim League who fought their elections on this, it was in the manifesto—it was in every province—and the Muslim League has redeemed that promise by bringing forward this measure in East Bengal. Therefore, he cannot get away by saying that it was Congress or his Party who agitated all alone and this Bill is a result of their agitations.

Shri Dharendra Nath Dutta : I have not said so.

The Honourable Pirzada Abdus Sattar Abdur Rahman : *I have already said that I do not grudge the part that they might have played. They should not minimise the reasons which have resulted in bringing forward this measure and I do not want to go further into the reasons why my friend's party or the members of my friend's present party—although he himself is not opposing—some of them have been set up to oppose this even in principle. He is also one who has opposed it also as a member of the Congress Party. Therefore, I would not go very far in this, I would not place much reliance or accept the position that he has tried to enunciate, Sir.

With regard to the beneficence of the measure that East Bengal has brought in, my friend Mian Iftikharuddin has not, probably, gone through the provisions of the measure. The principle which he wanted to enunciate is there. There is a degree of compensation. It starts with two-years income compensation to about ten-years income compensation and that is based on the size of holdings. So, Mian Iftikharuddin should not grudge East Bengal Government when they have actually done what he himself wanted that it should affect the plane of higher income and people of smaller holdings should not be affected ; but they have

* Speech not corrected by the Honourable Member.—*Ed. of Debs.*

gone lower than that. They have gone lower than that strata of middle class. Therefore, I think it is in full conformity with what Mian Sahib has been saying and East Bengal Government, I am glad to say, I have gone through the measure properly, every word of it, I think it is the most beneficent measure that any legislature could bring at any time and, therefore, it is wrong for any member to minimise the good that it is going to do to the people.

Mr. Khuhro has said that this was only abolishing Permanent Settlement. It is not so. The land is being acquired by Government and the tenants are going to be directly responsible to Government. The landed class is eliminated altogether. What else do they want, I really do not understand? What the other Bills could do which this Bill could not do?

Shri Dharendra Nath Dutta : Middle-class people should not be touched.

The Honourable Pirzada Abdus Sattar Abdur Rahman : *That is what Mian Sahib has said actually that there should be a limit, middle class people should not be touched and those people who have got higher income they should be touched and exactly that is the principle that has been followed in the Bill. That is what I was going to say.

With regard to the other points, Sir, Mr. Sukhdev, I am very sorry to observe, that he who claims to be a progressive man should have, on some reasons, I do not know which, gone against the idea of abolition of zamindari. I do not know if he is himself a big zamindar; I know he is a big trader, but I could not understand the logic behind his opposition. He simply went on criticising and I could not understand what the reasons were and ultimately when I put a question 'is he supporting or opposing', he said 'I am opposing'.

Seth Sukhdev : I spoke about the compensation. No land is to be taken without giving compensation—that is looting the man.

The Honourable Pirzada Abdus Sattar Abdur Rahman : *That is specifically the reason why I am not able to understand his objection because I have said very clearly while moving the Bill that the intention is not to do away with the question of compensation. The intention is to protect also on the ground of adequacy of compensation. That I had made very clear in the beginning and I do not think there should have been any apprehension on that ground. I never said that there should be no compensation.

With regard to the other point about the evacuee property. Some members have touched it very harshly by saying that it is taking away, robbing away and words like that have been used 'without paying compensation'. There they have misunderstood it altogether. They know that the land has come in the possession of the Custodian and it is being used for the purpose of rehabilitation and it is being given to the people for some fixed periods with certain claims on it for rehabilitation. Again in a court of law, you know, there are different decisions on different points—what is the actual position that might come to a court of law—they might decide that this is also an acquisition. The present law that has been passed about rehabilitation that the people will be rehabilitated on the evacuee property, they might say even this is acquisition, and therefore, the whole scheme of rehabilitation might be decided. There is no question or intention of taking away evacuee property without

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[The Honourable Pirzada Abdus Sattar Abdur Rahman.]

paying compensation. I do not see any reason for it nor have I said anything about it in my opening address. It is only to safeguard the legislation and there is no question of taking away anything. My friend Mr. Dutta was very vehement that there should be nothing left in the Bill which can be challenged in a court of law and that is the intention. We do not want that the word 'acquisition' may be interpreted in such a way that the legislation might be declared invalid. Therefore, I have taken care to see that every word that is ambiguous is defined properly and on that ground our legislation is not interfered with.

With regard to the question of the application of this measure to East Bengal or West Pakistan—Mr. Shaukat Hyat Khan is not here—, I might explain that we have now changed the payment of compensation into the giving of compensation and it applies to the whole of Pakistan, so that compensation in the whole of Pakistan can now be given in any form and not in the form of cash alone.

With regard to the question of the adequacy of compensation, it definitely applies to East Bengal at present because we have said that if such law has received the assent of the Governor-General or has been reserved for his assent within three years of the establishment of the Federation. This period expired on the 14th of August 1950 and all legislation coming under that description within those three years is affected and the East Bengal legislation comes under that description. Therefore, it really relates to that.

I suppose I have answered all the points that were raised and I, therefore, commend this motion for the acceptance of the House.

Mr. President : The question is :

"That the Bill further to amend the Government of India Act, 1935, (Amendment of Section 299) be taken into consideration."

The motion was adopted.

Mr. President : Can we possibly finish the Bill today ?

The Honourable Pirzada Abdus Sattar Abdur Rahman : Yes, Sir ; it should not take long.

Mr. President : Then, let us take it up clause by clause.

The Honourable Mr. Nurul Amin : Sir, there are several amendments in my name, but I would like to move only the last one. I move :

"That in sub-clause (b) of clause 2 of the Bill, for clause (a) of the proposed sub-section (4A), the following be substituted :

' (a) any provision in any law of the kind referred to in that sub-section, which purports to fix the amount of compensation or to specify the principles on which, and the manner in which compensation is to be determined and given, on the ground that it contravenes the provisions of that sub-section or that the compensation provided for is inadequate ;

Provided that such law has received the assent of the Governor-General, or, in the case of a Provincial law, has been reserved for the purpose of obtaining such assent, within a period of three years next after the establishment of the Federation ; or '."

I do not think any speech is necessary because all these points have been explained by the Honourable Pirzada in course of his reply. What I have done by this amendment is to clarify the points which were already contained in the original draft of the Bill. So, I hope this amendment will be accepted by the House.

Mr. President : Amendment moved :

"That in sub-clause (b) of clause 2 of the Bill, for clause (a) of the proposed sub-section (4A), the following be substituted :

'(a) any provision in any law of the kind referred to in that sub-section, which purports to fix the amount of compensation or to specify the principles on which, and the manner in which compensation is to be determined and given, on the ground that it contravenes the provisions of that sub-section or that the compensation provided for is inadequate :

Provided that such law has received the assent of the Governor-General, or, in the case of a Provincial law, has been reserved for the purpose of obtaining such assent, within a period of three years next after the establishment of the Federation ; or'."

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I accept the amendment.

Mr. President : The question is :

"That in sub-clause (b) of clause 2 of the Bill, for clause (a) of the proposed sub-section (4A), the following be substituted :

'(a) any provision in any law of the kind referred to in that sub-section, which purports to fix the amount of compensation or to specify the principles on which, and the manner in which compensation is to be determined and given, on the ground that it contravenes the provisions of that sub-section or that the compensation provided for is inadequate :

Provided that such law has received the assent of the Governor-General, or, in the case of a Provincial law, has been reserved for the purpose of obtaining such assent, within a period of three years next after the establishment of the Federation ; or'."

The motion was adopted.

The Honourable Mr. Nurul Amin : Sir, the next amendment that I wish to move is a formal one. It seeks to make a verbal change. I move :

"That in part (i) of sub-clause (a) of clause 2 of the Bill, for the word 'words' where it occurs for the second time, the word 'word' be substituted."

Mr. President : Amendment moved :

"That in part (i) of sub-clause (a) of clause 2 of the Bill, for the word 'words' where it occurs for the second time, the word 'word' be substituted."

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I accept the amendment.

Mr. President : The question is :

"That in part (i) of sub-clause (a) of clause 2 of the Bill, for the word 'words' where it occurs for the second time, the word 'word' be substituted."

The motion was adopted.

Shri Dharendra Nath Dutta : *Sir, I move my both the amendments at the same time. I move :

"That in sub-clause (b) of clause 2 of the Bill in clause (a) of the proposed sub-section (4A), for the semi-colon full-stop be substituted, and the word 'or' occurring at the end be omitted."

and

"That in sub-clause (b) of clause 2 of the Bill, clause (b) of the proposed sub-section (4A) be omitted."

My object is clear. We are going to amend section 299 of the Government of India Act evidently with the object of determining the amount of compensation. That is to say, compensation should not be paid but it should be given. The manner in which the compensation is to be paid and also whether the compensation is adequate or inadequate should not be gone into for that purpose. I have listened with

* Speech not corrected by the Honourable Member.—*Ed. of Debs.*

[Shri Dharendra Nath Dutta.]

attention to the speech delivered by the Honourable Pirzada in reply to the debate on the motion that the Bill be taken into consideration in which he said that the Bill has nothing to do with the amount of compensation or with the acquiring of the evacuee property. But if you look at sub-clause (b) of clause (4A) you will notice this :

"Nothing in sub-section (2) shall be construed to invalidate any law having reference either to the administration"

I want to draw your special attention to the word 'administration'.
 ".....or acquisition of any property which is, or is deemed to be evacuee property under any law for the time being in force, or to the remedying of the dislocation in the social and economic life of Pakistan caused by the mass movement of population from and into Pakistan."

Sub-section (2) of section 299 of the Government of India Act says :

"Neither the Federal nor a Provincial Legislature shall have power to make any law authorising the compulsory acquisition for public purposes of any land unless the law provides for the payment of compensation....."

Now, I lay stress on the words 'unless the law provides for the payment of compensation'. Now, we have provided that we have not the power to legislate unless we provide for the giving of compensation whatever it may be. That we have provided for. But in sub-clause (b) of clause (4A) we have said that it will not apply to the acquisition of the evacuee property. Sub-section (2) as amended by us lays down that if we want to acquire a property we shall have to give compensation. That is the general principle we have accepted. But, as I said just now, sub-clause (2) of clause (4A) says that so far as the acquisition of any property which is or which is deemed to be evacuee property is concerned, it can be calmly acquired without compensation. We are not only dealing with the administration of the evacuee property but also with the acquisition of the evacuee property. If sub-section (2) as amended by us does not apply to the acquisition of the evacuee property, then it comes to this that the evacuee property can be acquired without giving compensation for it. Therefore, to be frank, you say that, really speaking, so far as evacuee property is concerned, compensation shall not be given.

Then, Sir, it comes to this that property, or it may be evacuee property, can be acquired without compensation as sub-section (2) as amended by us will not apply to the acquisition of evacuee property. Therefore, I want that this clause (b) should be deleted.

With these few words, Sir, I move the motion for the acceptance of the House.

Mr. President : Amendment moved :

"That in sub-clause (b) of clause 2 of the Bill in clause (a) of the proposed sub-section (4A), for the semi-colon full-stop be substituted, and the word 'or' occurring at the end be omitted."

and

"That in sub-clause (b) of clause 2 of the Bill, clause (b) of the proposed sub-section (4A) be omitted."

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I have already explained while replying generally why I have included this section with regard to the evacuee property to safeguard the existing legislation concerning evacuee property and I have already explained and given my reasons and I need not say anything further. I oppose these amendments.

Mr. President : I am putting the amendments to vote.

The question is :

"That in sub-clause (b) of clause 2 of the Bill in clause (a) of the proposed sub-section (4A), for the semi-colon full-stop be substituted, and the word 'or' occurring at the end be omitted."

The motion was negatived.

Mr. President : The question is :

"That in sub-clause (b) of clause 2 of the Bill, clause (b) of the proposed sub-section (4A) be omitted."

The motion was negatived.

Mr. President : The question is :

"That clause 2, as amended, stand part of the Bill."

The motion was adopted.

Clause 2, as amended, was added to the Bill.

The Honourable Dr. Mahmud Husain : Sir, I beg to move :

"That in sub-clause (i) of Clause 1 of the Bill for the words, brackets and figures "the Government of India (Amendment) Act, 1951", the words, brackets and figures "the Government of India (Second Amendment) Act, 1951" be substituted."

Mr. President : Amendment moved :

"That in sub-clause (i) of Clause 1 of the Bill for the words, brackets and figures "the Government of India (Amendment) Act, 1951", the words, brackets and figures "the Government of India (Second Amendment) Act, 1951" be substituted."

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I accept the amendment :

Mr. President : The question is :

"That in sub-clause (i) of Clause 1 of the Bill for the words, brackets and figures "the Government of India (Amendment) Act, 1951", the words, brackets and figures "the Government of India (Second Amendment) Act, 1951" be substituted."

The motion was adopted.

Mr. President : The question is :

"That Clause 1, as amended, stand part of the Bill."

The motion was adopted.

Clause 1, as amended, was added to the Bill.

The Title and the Preamble were added to the Bill.

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, I beg to move :

"That the Bill, as amended, be passed."

Mr. President : Motion moved :

"That the Bill, as amended, be passed."

(Mr. Shahoodul Huque rose to speak.)

Mr. President : Will you be long in your speech ?

Mr. Shahoodul Huque (East Bengal : Muslim) : No, Sir, I will say one or two words.

Mr. President, Sir, I congratulate the Government for bringing this legislation, this enabling legislation to enable the Governor-General to give his assent to the State Acquisition Bill that was passed by the East Bengal Assembly last year. A decision like this should not have waited so long for the assent of the Governor-General. It is known to

[Mr. Shahoodul Huque.]

all of us that there has been a great demand for the abolition of the Zamindari system in East Bengal ever since the Muslim League Party came into being in 1937.

Sir, as has been said by the Chief Minister of East Bengal, the toiling millions for whose benefit this legislation has been adopted have groaned under the yoke of the Zamindars for over two hundred years and now by this State Acquisition Bill there will only be a change of masters. Now, Sir, the land will be directly under the Government. The experience that the tenants have had under the Khas Mahal has not been very happy, Sir, and I want to give a bit of a warning to my Chief Minister. I dare say that the measure, which is aimed at bringing millennium to the toiling millions of East Bengal, should be given effect to in such manner that they may not feel that they have fallen from the frying pan into the fire.

Sir, another thing which I wish to suggest is that the revenues, which will come into the coffers of the Government of East Bengal on this account, should be so utilised that the tenants may feel that everything is being done for their all-round welfare though benefit will come to them only indirectly; Sir, directly they will get no benefit.

Sir, under the Zamindars and the Taluqdars the tenants have kept their rents in arrears for a number of years—in some cases for 18 or 20 years but under the Khas Mahal the tenants will not be able to let their rents fall in arrears even for 2 or 3 years. In many cases they have been found being sued under the Public Demands Recovery Act even for arrears of rent for six months when somehow or other they incurred the displeasure of Khas Mahal Tahsildar. Such state of things should not be allowed to continue under the State Acquisition of Property Bill.

With these words, Sir, I lend my wholehearted support to the motion that the Bill be passed.

The Honourable Mr. Nurul Amin : Sir, I do realise the value of the time at this moment but still I cannot help but saying that it is not this person or that person who is responsible for this revolutionary measure for the benefit of the teeming millions of East Bengal, but it is the national organization—the Muslim League—which is really responsible for this measure. (*Applause*). It was due to the determination of the Muslim League organization since it came into being in 1937 in a reformed manner that the economic emancipation of the people was taken up as a creed of the Muslim League before the Partition, in undivided Bengal it was the Muslim League Ministry which introduced the Bill and after the Partition, Sir, it was the Muslim League Ministry in East Bengal which not only introduced the Bill but got it passed in the teeth of opposition in that House; and it is here, Sir, the Muslim League Ministry in the Central Government that is responsible for helping the implementation of that valuable piece of legislation by amending Section 299 of Government of India Act here. This has made the desideratum of the people fulfilled. I hope that this will go down in history, Sir, as a piece of great achievement on the part of the Muslim League, which has begun the process of levelling down and levelling up in the society which is the creed of the organization.

With these words, Sir, I congratulate again the Government of Pakistan for giving a final shape to this measure. (*Applause*.)

Shri Dharendra Nath Dutta : I stand in protest against the assertion that there was any opposition in the East Bengal Legislative Assembly to this Bill. The Chief Minister has said that the Bill was

passed there "in the teeth of opposition". There was no opposition and as a matter of fact we all agreed that the Bill should be passed.

An Honourable Member : Then why all this delay ?

Mr. President : (to the Honourable Pirzada Abdus Sattar Abdur Rahman) : Would you like to say anything ?

The Honourable Pirzada Abdus Sattar Abdur Rahman : Sir, my Honourable friend has raised the question of delay in assent. He will realise that we did not want the Bill to meet the same fate as it has done in India. There were intricate points of law which had to be resolved and which have now been resolved and we hope that it is now free from all challenges to which such legislation is open and that it will go unaffected by objections similar to those which have been raised in India. That was the reason for the delay in assent being given to this Bill.

Mr. President : The question is :

"That the Bill, as amended, be passed."

The motion was adopted.

Mr. President : The House stands adjourned till 11 A.M. on Monday next.

The Constituent Assembly then adjourned till Eleven of the Clock, on Monday, the 16th April, 1951.